

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, DECEMBER 6 AND 7, 2010
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of December 6 and 7, 2010, as follows:

CLOSED SESSION MEETING FOR MONDAY, DECEMBER 7, 2010

(Closed Session Items were heard on Tuesday, December 7, 2010.)

CLOSED SESSION MEETING FOR TUESDAY, DECEMBER 7, 2010

(Note: Closed Session was held at 9:00 a.m. and resumed again @5:10 p.m.)

ROLL CALL FOR 9:00 A.M. SESSION:

Present: Mayor Sanders, Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, Emerald, and Alvarez

Absent: All Present

CLOSED SESSION ITEMS for 9:00 a.m. SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *San Diego City Employees Retirement System v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 841845**

DCA Assigned: W. Chung

Motion: Authorize City Attorney to file a Notice of Appeal with Court of Appeal
Moved: Councilmember DeMaio - Dist. 5
Seconded: Council President Pro Tem Faulconer - Dist. 2
Vote: 8/0 [Passed Unanimously]

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, December 7, 2010, @5:14 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 1, *San Diego City Employees Retirement System v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 841845, to authorize the City Attorney to file a notice of appeal with the Court of Appeal. This is a dispute between the San Diego City Employees Retirement System (SDCERS) and the City of San Diego regarding the pension underfunding agreements in Manager's Proposal I and Manager's Proposal II.

The motion passed unanimously 8 to 0.

Conference with Legal Counsel - initiating litigation, pursuant to California Government Code section 54956.9(c):

CS-2 Number of Cases: One

Motion: To initiate litigation
Moved: Councilmember DeMaio - Dist. 5
Seconded: Council President Pro Tem Faulconer - Dist. 2
Vote: 8/0 [Passed Unanimously]
Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, December 7, 2010, @5:14 p.m.

Also, today, in Closed Session, the City Council voted on Closed Session Item No. 2 to initiate litigation. Once formally commenced, the action the defendants and other particulars shall be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

The motion passed unanimously 8 to 0.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-3 *Lourdes M. Epley v. City of San Diego*
San Diego Superior Court Case No. 37-2010-00097625-CU-WM-CTL

This item was heard when Closed Session resumed again @ 5:10 p.m.

ROLL CALL FOR @5:10 P.M. CLOSED SESSION:

Present: Mayor Sanders, Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Zapf, Emerald, and Alvarez

Absent: Councilmember DeMaio - Dist. 5 (Absent for Item CS-3)

CLOSED SESSION ITEMS for 5:10 p.m. SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-3 *Lourdes M. Epley v. City of San Diego*
San Diego Superior Court Case No. 37-2010-00097625-CU-WM-CTL

CDCA Assigned: J. Cordileone

Motion: Authorize settlement of \$85,000.
Moved: Councilmember Lightner - Dist. 1
Seconded: Councilmember Emerald - Dist. 7
Vote: 7/0 [Passed] with Councilmember DeMaio absent
Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, December 7, 2010, @5:14 p.m.

Also, today, in Closed Session, the City Council voted on Closed Session Item No. 3, *Lourdes M. Epley v. City of San Diego*, San Diego Superior Court Case No. 37-2010-00097625-CU-WM-CTL, authorizing \$85,000 settlement plus defense costs. This case involves former employee Lourdes Epley who filed suit against the City of San Diego.

The motion passed 7 to 0 with Councilmember DeMaio absent.

REPORTED BY: _____


Mary Jo Lanza fame
Assistant City Attorney